



Appl. No. 10/743,505

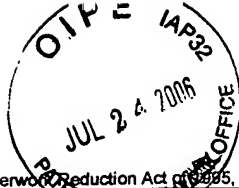
STATUTORY DISCLAIMER

Statement of Purpose:

Whereas the Applicant references within the subject Application No.10/743,505 Specifications to his granted US Patent 6,532,745 dated March 18, 2003 and U.S. Patent Application 10/394,847 filed March 22, 2003. A "Terminal Disclaimer to Obviate a Double Patenting Rejection" over the Applicant's 6,532,745 'Prior' Patent" was previously submitted with the Applicant's September 19, 2005 ER 071426335 transmittal..

Following the Applicant's recent mailed July 3, 2006 response to the 10/743,505 February 3,2006 Office Action, the Applicant received notice on July 13, 2006 from his attorney that the US Patent Application 10/394,847 had been granted and published as US Patent 7,074,033 on July 11, 2006. Applicant is now submitting the attached Terminal Disclaimer form PTO/SB/26 applicable to the new published US Patent 7,074,033 to obviate a double-patenting rejection objection during the Examiner's pending examination of the of the Applicant's July 3, 2006 submitted response to the cited February 3, 2006 Office Action.

The Applicant is a 'small Entity', therefore in accordance with the Fee Code 2814 and 37CFR 1.20(d), a \$65.00 Bank America Cashier's Check # 2135953 is attached hereto for payment of the required administrative fee.

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING
REJECTION OVER A "PRIOR" PATENT**

Docket Number (Optional)

In re Application of:

Application No.: 10/743,505

Filed: 12/22/2003

For: Power Cogeneration System and Apparatus for Improved High Thermal Efficiencies and Ultr-Low Emissions

The owner*, David L. Neary, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term **prior patent** No. 7,074,033 as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said **prior patent** is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the **prior patent** are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the **prior patent**, "as the term of said **prior patent** is presently shortened by any terminal disclaimer," in the event that said **prior patent** later:

expires for failure to pay a maintenance fee;

is held unenforceable;

is found invalid by a court of competent jurisdiction;

is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;

has all claims canceled by a reexamination certificate;

is reissued; or

is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☐ The undersigned is an attorney or agent of record. Reg. No. _____

David L. Neary
Signature

July 24, 2006

Date

David L. Neary

Typed or printed name

972-987-8019

Telephone Number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) included.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).
Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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